

PROB 12C
(7/93)

Report Date: October 15, 2009

United States District Court

for the

Eastern District of Washington

**FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

OCT 19 2009

Petition for Warrant or Summons for Offender Under Supervision

**JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON**

Name of Offender: Pedro Briseno-Marin

Case Number: 2:05CR00138-001

Address of Offender: San Bernardino County Jail

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Date of Original Sentence: 03/06/2006

Original Offense: Alien in the United States After Deportation, 18 U.S.C. § 1326

Original Sentence: Prison - 48 Months; TSR - 36 Months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Pamela J. Byerly

Date Supervision Commenced: 02/10/2009

Defense Attorney: Kimberly A. Deater

Date Supervision Expires: 02/09/2012

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

- 1 **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.
- 2 **Special Condition # 14:** You are prohibited from returning to the United States without advance legal permission from the United States Attorney General or his designee. Should you reenter the United States, you are required to report to the probation office within 72 hours of reentry.

Supporting Evidence: Mr. Briseno-Marin is considered to be in violation of his conditions of supervised release as he committed another Federal crime by returning to the United States without advance legal permission on or about March 19, 2009.

According to a criminal complaint dated March 20, 2009, signed by the Honorable Robert N. Block, U.S. Magistrate Judge for the Central District of California, on or about March 19, 2009, the defendant, Pedro Briseno-Marin, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, within the Central District of California, without having obtained permission from the Attorney General of the United States or his designated successor, the Secretary of the

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Department of Homeland Security, having expressly consented to the defendant's re-application for admission into the United States, in violation of 8 U.S.C. § 1326.

In an attached affidavit of probable cause, Mr. Briseno-Marin was initially contacted by Union Pacific Railroad police officers on March 19, 2009. He was transported to the Indio Border Patrol Station located in Indio, California. Agents reviewed the defendant's alien file and determined he had previously been deported. His most recent deportation was on February 10, 2009. According to agents, Mr. Briseno-Marin was advised of his constitutional rights and agreed to speak with the agents. They reported Mr. Briseno-Marin admitted to having crossed the border illegally.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

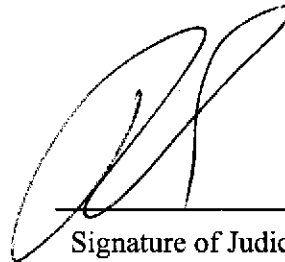
Executed on: 10/15/2009

s/Matthew L. Thompson

Matthew L. Thompson
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

October 19, 2009

Date